

(Caption of Case)

In Re: Friends of the Earth and Sierra Club v.
SCE&G, etc.
Docket Nos. 2017-207--E, 2017-305-E and 2017-370-
E

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET
NUMBER: 2017 - 207 - E

(Please type or print)

Submitted by: Robert GuildSC Bar Number: 2358Address: 314 Pall Mall StreetTelephone: (803) 917 573Columbia, SC 29201

Fax: _____

Other: _____

Email: bguild@mindspring.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition☐ Request for item to be placed on Commission's Agenda expeditiously☒ Other: Friends of the Earth and Sierra Club Objections to Proposed Schedule

INDUSTRY (Check one)

NATURE OF ACTION (Check all that apply)

- ☒ Electric
☐ Electric/Gas
☐ Electric/Telecommunications
☐ Electric/Water
☐ Electric/Water/Telecom.
☐ Electric/Water/Sewer
☐ Gas
☐ Railroad
☐ Sewer
☐ Telecommunications
☐ Transportation
☐ Water
☐ Water/Sewer
☐ Administrative Matter
☐ Other: _____

- ☐ Affidavit
☐ Agreement
☐ Answer
☐ Appellate Review
☐ Application
☐ Brief
☐ Certificate
☐ Comments
☐ Complaint
☐ Consent Order
☐ Discovery
☐ Exhibit
☐ Expedited Consideration
☐ Interconnection Agreement
☐ Interconnection Amendment
☐ Late-Filed Exhibit
☐ Letter
☐ Memorandum
☐ Motion
☒ Objection
☐ Petition
☐ Petition for Reconsideration
☐ Petition for Rulemaking
☐ Petition for Rule to Show Cause
☐ Petition to Intervene
☐ Petition to Intervene Out of Time
☐ Prefiled Testimony
☐ Promotion
☐ Proposed Order
☐ Protest
☐ Publisher's Affidavit
☐ Report
☐ Request
☐ Request for Certification
☐ Request for Investigation
☐ Resale Agreement
☐ Resale Amendment
☐ Reservation Letter
☐ Response
☐ Response to Discovery
☐ Return to Petition
☐ Stipulation
☐ Subpoena
☐ Tariff
☐ Other: _____

Print Form

Reset Form

(Caption of Case)

In Re: Friends of the Earth and Sierra Club v.
SCE&G, etc.
Docket Nos. 2017-207--E, 2017-305-E and 2017-370-
E

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET
NUMBER: 2017 - 305 - E

(Please type or print)

Submitted by: Robert GuildSC Bar Number: 2358Address: 314 Pall Mall StreetTelephone: (803) 917 573Columbia, SC 29201

Fax: _____

Other: _____

Email: bguild@mindspring.com

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NATURE OF ACTION (Check all that apply)

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Reset Form

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In Re: Friends of the Earth and Sierra Club v.
SCE&G, etc.
Docket Nos. 2017-207--E, 2017-305-E and 2017-370-
E

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET
NUMBER: 2017 - 370 - E

(Please type or print)

Submitted by: Robert GuildSC Bar Number: 2358Address: 314 Pall Mall StreetTelephone: (803) 917 573Columbia, SC 29201

Fax: _____

Other: _____

Email: bguild@mindspring.com

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☐ Tariff
☐ Other: _____

Print Form

Reset Form

ROBERT GUILD

Attorney at Law

314 Pall Mall • Columbia, South Carolina 29201 • 803-252-1419 • bguild@mindspring.com

May 31, 2018

Ms. Jocelyn D. Boyd
Chief Clerk & Administrator
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, SC 29210

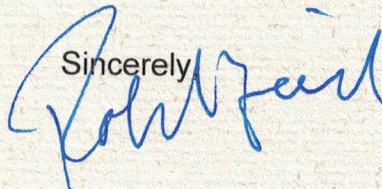
In Re: Friends of the Earth and Sierra Club v. SCE&G, etc.
Docket Nos. 2017-207--E, 2017-305-E and 2017-370-E

Dear Ms. Boyd:

Enclosed please find Friends of the Earth and Sierra Club Objections to Proposed Schedule, for consideration in these consolidated proceedings. I certify that I am, this day, filing and serving the parties with this document electronically.

With kind regards I am

Sincerely



Robert Guild

Encl.s

CC: All Parties



BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NOS. 2017-207-E, 2017-305-E and 2017-370--E

In Re: Friends of the Earth and Sierra Club,)
Complainants/ Petitioners,)
)
v.)
)
South Carolina Electric & Gas Co.,)
Defendant / Respondent.)

In Re: Request of the South Carolina Office)
of Regulatory Staff for Rate Relief to SCE&G)
Rates Pursuant to S.C. Code Ann. § 58-27-)
920)

In Re: Joint Application and Petition of South)
Carolina Electric & Gas Company and)
Dominion Energy, Inc. for review and)
approval of a proposed business combination)
between SCANA Corporation and Dominion)
Energy, Inc., as may be required, and for a)
prudency determination regarding the)
abandonment of the V.C. Summer Units 2)
& 3 Project and associated merger benefits)
and cost recovery plans)

FRIENDS OF THE EARTH AND SIERRA CLUB OBJECTIONS
TO PROPOSED SCHEDULE

Friends of the Earth (FoE) and the Sierra Club (Sierra) respectfully object to the Commission Staff's Proposed Schedule for Pre-Filed Testimony, dated May 24, 2018, and submit the following comments and alternative procedural proposals pursuant to 10 S.C. Code Ann. Regs. 103-803 and 845. The Proposed Schedule would work an unusual hardship and difficulty upon FoE and Sierra and would deprive them of due process and a fair opportunity to be heard in these proceedings by requiring them to pre-file direct testimony and exhibits on or before July 10, 2018- a mere 40 days from today- without obtaining discovery of evidence wrongfully withheld by SCE&G, pending since July 7, 2017, and the subject of two (2) Motions to Compel Discovery pending before the Commission. Adoption of the Proposed Schedule would reward SCE&G for its dilatory and obstructionist refusal to produce discovery of material evidence central to the determination of the claims and defenses in these consolidated proceedings, would impede and hinder the Commission's ability to reach a just and fair determination of these proceedings and would be contrary to the public interest.

In the alternative, Friends of the Earth and the Sierra Club propose, consistent with the Order consolidating these proceedings, that the Commission should require a single, unified schedule for prefiling testimony and exhibits; should recognize that FoE and Sierra are, in substance, aligned with other Respondent parties, adverse to SCE&G and Dominion Energy, and require an initial prefiling of testimony and exhibits by FoE and Sierra, along with all other Respondents, on or about September 18, 2018, as proposed by the Office of Regulatory Staff (ORS), with Surrebuttal Testimony and Exhibits to follow, in turn, as proposed by ORS. Such an alternative schedule would permit a resolution of pending discovery disputes, facilitate access by FoE and Sierra to

evidence needed for fair and effective hearing preparation and deter SCE&G from further dilatory and obstructionist discovery tactics.

The Commission should recognize that FoE and Sierra are, in substance, aligned with other Respondent parties, adverse to SCE&G and Dominion Energy and require a single, unified schedule for prefiling testimony and exhibits. In their June 22, 2017, Complaint proceeding, Docket No.. 2017-207-E, FoE and Sierra sought the following relief: abandonment of the nuclear project, relief for ratepayers and adoption of an alternative future energy resource plan- claims which are either resolved by the project's subsequent abandonment or subsumed by the claims and defenses in the consolidated proceedings. Determination of the treatment of abandoned project costs- either by the Joint Application's claims, the rate relief claims by ORS, or the ratepayer relief claims or defenses of the other parties must be resolved by the Commission. For all intents and purposes FoE and Sierra interests are aligned with other Respondent parties and not with SCE&G and Dominion. Similarly, future post project abandonment resource planning issues will be addressed in the determination of SCE&G and Dominion's merger claims where Dominion's proposed central station natural gas expansion strategy will be considered against an energy efficiency and renewable alternative future plan. In all respects alignment of FoE and Sierra with other Respondents and adoption of a single, consolidated prefiling schedule will serve the interests of due process, fairness and judicial efficiency and should be adopted by the Commission.

Finally, the Commission should recognize that critical issues regarding the prudence of project abandonment, entitlement by SCE&G to continued recovery of

abandoned project costs and relief for ratepayers will be determined by evidence adduced from the testimony of hostile or adverse witnesses, including former employees of SCE&G, compelled by subpoena and by the production of documentary evidence at hearing through compulsory process directed at SCE&G. Under such circumstances, adoption of the unified pre-filing schedule as proposed here and by ORS will facilitate the timely resolution of pending discovery disputes and the efficient hearing and determination of the highly complex and significant issues in these proceedings.

For the foregoing reasons, Friends of the Earth and the Sierra Club respectfully object to the Commission Staff's Proposed Schedule for Pre-Filed Testimony, dated May 24, 2018, and propose, instead, the adoption of the unified schedule proposed herein and by ORS.



Robert Guild
314 Pall Mall
Columbia, South Carolina 29201
(803) 917-5738
ATTORNEY FOR
FRIENDS OF THE EARTH
AND SIERRA CLUB

May 31, 2018